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ABSTRACT

Part 1 of this three-part article traces James Madison's life and focuses primarily on those events that prepared him for leadership in the U.S. Constitutional Convention of 1787. It describes his early love of learning, education, and public service efforts. Part 2 chronicles Madison's devotion to study and preparation prior to the Constitutional Convention and his creation of a plan for a Constitution. His precise recording of the speeches and events surrounding the convention are noted. Part 3 considers the convention's power struggles, compromises, difficulties, and eventual creation of the Constitution and Madison's role in producing 29 of "The Federalist Papers." His efforts at helping to organize the new government and to draft the Bill of Rights are highlighted. A 21-item bibliography is included. (JHP)

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JAMES MADISON AND THE CONSTITUTIONAL CONVENTION

by

Thomas M. Scanlon

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James Madison and the Constitutional Convention

By Thomas M. Scanlon

Editor's Note: The Indiana State Bar Association celebrates the Bicentennial of the U.S. Constitution this month with "James Madison and the Constitutional Convention" by Thomas M. Scanlon, ISBA past president. Part one appears here and will be followed by parts two and three in the October and November issues of Res Gestae.

Even now, 200 years later, as we proudly celebrate the bicentennial of the miracle Constitutional Convention of 1787 the perennial question still intrigues us:

How did it happen that those 55 men, landowners, slave owners, lawyers, merchants and state office holders, meeting in a hot, humid, closely packed room, probably as few as 80 working days, produce what many critics regard as one of the greatest instruments, if not the greatest, of its kind ever struck by the mind of man.

Our search for an explanation to this mystery might approach a modicum of the truth if we just had the clairvoyance to inform ourselves regarding the learning and experience, the prejudices and ambitions, along with all the other mental baggage that those 55 framers brought with them as they convened in Independence Hall. Obviously, that is impossible. This article is an effort to relate again just a few of the relevant facts concerning the convention and just one delegate, James Madison.

I chose James Madison because, first, his preparation, dedication and learning, political acumen and forensic ability were the best of the 55; second, on the theory that if the other framers brought somewhat similar abilities and talents, albeit in varying and lesser degrees, it might well give us a hint in our attempt to explain this intriguing miracle.

Just as his contemporary Mozart from his youth devoted himself exclusively to becoming a great composer of music, so Madison from his youth devoted himself exclusively to becoming a great politician in the finest sense of that word. Even an abbreviated review of his activities up until the time of the convention, when he was only 36, would suggest, although his extraordinary modesty would deny, that somehow he must have known that he had been specially selected by providence to be the leader in that most productive of all political debates, and it was because of that knowledge that he so assiduously and unselfishly devoted all his energies up to May 25, 1787 to the one goal: to become the best informed, the most sagacious politician that it was possible for him to become so that he could fulfill completely that challenge to leadership.

Madison was born March 16, 1751 in Port Conway, Virginia, the eldest of 12 children. While nothing like the wealth of Washington, or even Jefferson, Madison's father owned substantial land and slaves, but Madison himself owned practically no property until after the convention.

His childhood notebooks indicate he was even then a serious student of political history. Later, at Princeton, like an ascetic monk, he allowed himself only five hours' sleep each night in order to devote the remainder of the 24 to study.

He was graduated with an AB degree after two years but continued at the university studying until over-

work forced him to return home, where he was theoretically convalescing, but where he was actually continuing his study of philosophy, history, politics, and also law, although he never practiced.

He commenced his long public life at age 23, when he began two years' service with a County Committee created by the Continental Congress to perform all sorts of missions in furtherance of the revolution.

He was then elected a delegate to the Virginia Convention at Williamsburg, which declared Virginia's independence well before July 4, 1776. There he had the educational experience of participating in the drafting of a Constitution for the state.

At that time he may have been too shy to urge many of his ideas on others but everything we know about Madison would make it a safe bet that at that early Virginia Convention he sat in the front row, listened attentively to every argument, made copious notes, and learned more than any other delegate from arguments for and against each of the proposed provisions for such a constitution, all of which were then logically organized in his memory for future use.

He then served his first of several, but not successive, terms as a member of the House of Delegates where he drafted and attempted to secure the passage of what was definitely the prototype of Jefferson's famous religious freedom statute.

Failing to be reelected the next term, allegedly because he refused to comply with the established custom of giving whiskey to the voters, he was then at age 26 made a member of the prestigious Governor's Council, which consisted of only five leaders of the State of Virginia, who, with the Governor, conducted the war effort on behalf of that largest state in the Union.

Some historians believe that during Patrick Henry's term as Governor all his papers were really written by young Madison. Whether that is true or false, Madison definitely performed important work on the Council, again gaining experience invaluable for the convention.

For example, because of his expert knowledge of French he was made the official draftsman of the highly sensitive communications with the French government, thereby acquiring some knowledge of diplomacy at a very early age.

At 28 Madison commenced his long service as one of Virginia's representatives in the Continental Congress. Only five feet six, extremely shy and modest, always dressed in black, with a voice that a throat illness rendered unusually low and soft, he probably received little attention at first. But after he had participated in only a few of the debates, the French chargé d'affaires reported to his superiors that he was:

> "Well educated, wise, temperate, gentle, studious; perhaps more profound than Mr. Hamilton, but less brilliant; the intimate friend of Mr. Jefferson * * *. He is a man one must study for a long time in order to make a fair appraisal of him."

In that Continental Congress each of the 13 states had a different position on the important issue of what disposition would be made of the western land which later would also be a major issue in the great convention.

As a result of careful listening and study, Madison became an expert and became Virginia's spokesman on that subject. Spain at that time was refusing to enter the war on our behalf if Virginia's claims to navigation rights on the Mississippi were recognized. Later Madison drafted the position papers for all the states in negotiations with Spain.

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Small states had insisted that voting in the Continental Congress be by states with each state having one vote. The vote of the smallest state equaled that of the largest state on every issue. The distrustful states also insisted that the Articles could only be amended by unanimous vote of all 13 states, a vote of nine states be required on the most important issues, seven on all others. With only nine states present one state could outvote the eight on important issues. With only eight states present, which occurred all too frequently, Congress could not even act on such issues. The fact that there never were more than 11 of the 13 states represented at any given time indicates the low opinion of the Congress held by some states.

Madison's intermittent years in the Congress were pure frustration. Sorely needed legislation was impossible to secure. States overly fearful of losing their sovereignty had refused to give Congress the very essential power to tax or to regulate commerce, the absence of which had caused and was causing acute problems.

The theory had been that Congress would draw requisitions on the States for funds which the States promise to honor. But throughout the war and post-war periods such requisitions were callously ignored.

The States also refused to pass tax legislation themselves. Debts to soldiers and others continued unpaid. Disputes between the States were constant.

Madison tried curative legislation but it was defeated. Forty-two of the

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55 framers of the Constitution had been from time to time members of the Congress and had been made acutely aware of these basic problems.

Conditions cried out for a change. Responsible citizens considered the Continental Congress a joke and were embarrassed that foreign governments, particularly France and England, did likewise. Finally came the frightening Shay's Rebellion. A substantial group of unpaid soldiers and farmers were in open rebellion against the government.

Fearful of the consequences of any open rebellion to their fragile new government, even the most conservative citizens, even Washington, became convinced immediate affirmative action had become necessary.

It seemed clear to almost all the framers that a new government was called for. A hard corps of strong Nationalists headed by Madison were convinced that new government must be a national government, it must have its citizens, not the States, as its base. It must have power to tax, regulate commerce and foreign relations, to all of which the balky states must be made subservient.

While some framers were also influenced by Montesquieu or Hobbes, the dominant political philosophy of the framers was that of Locke. They accepted Locke's teachings that the political and social world is governed by universal natural laws, knowledge of which man acquires by reason and experience.

Pursuant to this natural law, man is born with inalienable natural rights of freedom, equality, the right to act as one pleases without restraint, the right to property and the right to use property. All men have a capacity for

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good. All men have an equal capacity for evil. The same is true of all governments.

Therefore, political power must be controlled by a delicate balance of checks and balances. The best government to protect these natural men and their natural rights, which is the fundamental purpose of government, is a republic — popular, representative, responsive, not hereditary and based on frequent elections.

These men felt fate had not only given them the opportunity to fashion such a government and to make it succeed, but also they felt responsible for the concept itself, in the sense that if they failed the spirit lifting idea of government by consent of the governed would be forever lost.

Madison was consumed with a passion to establish such a government and make it work, here and now, in America. That drive forced him, and to a lesser extent the others, to be willing to make whatever accommodations might be necessary to agree upon such a constitutional government. While personal and parochial interests were present, I believe that the framers in large measure were motivated by the altruistic desire to establish such a representative government.

(To be continued next month)

James Madison and the Constitutional Convention

Editor's Note: This is part two of this article, part one having been published in the September issue of Res Gestae. *Part three will be published in the November issue of* Res Gestae.

By Thomas M. Scanlon

Probably no man of the Revolutionary period, not even Jefferson, was so assiduous a scholar as Madison and at no period in his life did he devote himself to study more intensely than the period just before the Constitutional Convention.

Madison was determined to learn, in so far as it was possible, the history of all the republics the world had ever known. He wanted to know what had been their strengths, their weaknesses, why did they fail, all to aid him as a delegate to the convention.

He flooded his good friend Jefferson, then in Paris the then intellectual center of the world, with requests to buy for him every book of any kind which might be deemed even remotely helpful to his preparation. These approximately 200 volumes he called his "literary cargo."

He not only read them, and studied them, but he also recorded the facts and lessons he learned from them in a booklet of 41 pocket-size pages which he later used in debating constitutional issues in the convention and in the battles over ratification.

The great convention took place because of a chain of events initiated and guided by Madison. As a member of the Virginia Assembly, he secured the appointment of a commission to discuss navigation rights on the Potomac with representatives of Maryland.

Heading a committee to implement the compact so reached, Madison drafted and secured the passage of legislation calling for an enlarged commission to meet with representatives of all states "to consider how far a uniform system in their commercial regulations may be necessary." This resulted in the consequential but poorly attended Annapolis Convention, precursor of the Constitutional Convention.

Only five states having sent delegates, Madison, and the much bolder Hamilton, convinced the other delegates that representatives of all states must be present for any real progress and persuaded them that a convention of all states should be requested to convene on May 14, 1787, in Philadelphia.

Randolph, Hamilton and Madison drafted the invitation in language calculated to induce a favorable response and yet furnish a plausible justification to write a new Constitution. They stated the purpose was "to devise such further provisions as shall appear to them necessary to render the constitution of the federal government adequate to the exigencies of the Union."

While no other delegate was as well prepared as Madison, the combined political experience of the framers was prodigious. Every one of the 55 had rendered public service at some time. All but two or three had served as public officials of a state. Forty were active at that time in state government. Forty-two had served and been frustrated in Congress because state sovereignty obstructed national goals. Eight had signed the Declaration of Independence. Others would have, but they were fighting the British at that time. Twenty had participated in drafting state constitutions. All were fully committed to the revolution. Thirty had done some kind of military duty.

They were also distinguished by their educational experience. In an age when few men attended college, more than half held Bachelor's degrees. The college score was: from Princeton 9, Yale 4, William and Mary 4, Harvard 3, Columbia 2, Pennsylvania 2, Oxford 1, St. Andrews 1. The average age was 43.

Almost all who had not gone to college were nevertheless well-read, well-educated men. Approximately two-thirds were either lawyers or had some law training. Some had studied in England, and some others held honorary degrees. Many were well acquainted with the history of the ancient republics.

But it was Madison, and only Madison, who brought to the convention a well-thought-out, definite plan for the Constitution and how he could get that plan adopted by his fellow delegates.

For months he had been generating a flow of letters to his influential friends, particularly Washington, exposing them to his ideas. When he arrived in Philadelphia he had in his pocket the 15 resolutions which completely outlined his basic concepts for the Constitution, which then became the foundation for practically all discussion at the convention.

Pursuant to his plan to have his 15 resolutions used as the basis of discussion, Madison saw to it that he arrived in Philadelphia 11 days before the convention was to start deliberation. It was not until 11 days after the convention was to start that there were sufficient delegates to constitute a quorum for the first time. Madison had strongly urged fellow Virginians, Washington and Governor Randolph, to also arrive early and they did. He used this opportunity to commit them further to the basic ideas in his 15 resolutions.

Then as other delegates arrived one can just see this diligent but diffident little scholar approach each newly arrived delegate in his shy and modest manner, frequently making one more convert to the basic propositions epitomized in his resolutions. But he was too good a politician to present his resolutions as the Madison plan. He persuaded Edmund Randolph, the very attractive, impressive, well-spoken young Governor of Virginia, to present them as the Virginia plan.

When finally seven states were present and able to vote, Washington, whose mere presence gave the convention great prestige, was unanimously and promptly elected chairman. Next they adopted the rule that everything said and done in the convention would not go outside the room.

At this time when our government leaks like old guttering, our disbelief that such a rule could have been adopted is exceeded only by our amazement that it was not only well kept but well accepted by the press and public.

No one had more than a fragmentary idea of what was said and done at the Convention until after Madison's death in 1836, when his famous notes were made public for the first time.

Some years after the Convention Madison himself insisted that "no Constitution would ever have been adopted . . if the debate had been public."

Like a dedicated director of a complex production, Madison was determined that everything essential to a completely successful convention would be expertly provided.

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Accordingly, even though he was fully aware of the burdensome demands that would be made upon his energy and attention as the chief spokesman for the Virginia Plan, he assigned himself the fatiguing and onerous burden of making a complete record of the entire proceedings. He was determined to do so for a number of reasons. Most important, he had been frustrated in his attempt to learn the facts concerning ancient republics because of the absence of any record of events and proceedings.

Also, he sensed that this particular convention was destined to be of great historical significance. And although an official secretary was appointed, Madison correctly believed that he would merely record motions and votes, at best, and if posterity was to have any reasonable record of the deliberations, he, Madison, would have to furnish it.

As the delegates entered the Independence Chamber, Madison "chose a seat in front of the presiding member, with the other members on my right and left hand. In this favorable position for hearing all that passed, I noted in terms legible and in abbreviations and marks intelligible to myself what was read from the chair or spoken by the members. Between the adjournment and reassembling of the Convention, I was enabled to write out [presumably with a quill pen] my daily notes during the session or within a few finishing days after its close in the extent and form preserved in my own hand on my files.

"I was not absent a single day, nor more than a casual fraction of an hour in any day, so that I could not have lost a single speech unless a very short one."

Only because of Madison's unselfish devotion do we have what historians believe is an accurate and honest record of this most important deliberation in American history.

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Jefferson later wrote that Madison's notes were "the ablest work of this kind ever yet executed."

Of the 55 delegates to the Convention, only 29 were full-timers. Twelve missed long and critical portions and four were almost absentees. Voting, as in Congress, had to be by states, each state having one vote. They agreed that members would refrain from whispering, reading or passing notes while one of their colleagues was speaking and all decisions would be subject to review.

They worked five hours a day, six days a week, with all the ancillary work such as drafting, preparing amendments, preparing arguments, lobbying and negotiating all performed before or after those hours.

On May 29, the first working day, Randolph graphically described the disagreeable state of affairs, all stemming from the absence of a strong nationalist government. He then presented the remedy — Madison's 15 resolutions, a framework for an entirely new constitution and government and not in any way proposed amendments to the Articles of Confederation.

Without an objection from any one of the few antinationalists the convention promptly voted 6 to 1 that "a national government ought to be established consisting of a supreme legislature, executive and judiciary." So from the very start the convention abandoned the old Articles and commenced the drafting of an entirely new constitution according to the Madison Plan.

The next resolve presented the most thorny of all questions of whether each state would have a vote equal to each of the other states in the new legislature as demanded by the small states, or whether represen-

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tation would be according to population which seemed only reasonable to the large states.

Read of Delaware promptly declared that his instructions absolutely forbade any departure from the principle of state equality which had always been followed in the Confederation Congress; therefore, if the convention so departed it would become his "duty to retire from the Convention." To prevent this destructive event, at least so early in the deliberations, debate on this troublesome issue was continued in the hope the small state position would soften.

Progress on other resolves was excellent. In just two weeks the convention had discussed every article in Madison's plan, had accepted a number, amended a few and put their stamp of approval to the basic concepts of Madison's proposed government, including a national, not federal, government based upon popular sovereignty, a bicameral legislature with the lower house elected by the people.

By this time Madison was being recognized as one of the leaders, if not the leader, of the convention. One fellow delegate noted: "Every person seemed to acknowledge his greatness. He blends together the profound politician and scholar — and though he cannot be called an orator, he is a most agreeable, eloquent and convincing speaker. Of the affairs of the United States, he perhaps, has the most correct knowledge of any man in the Union." (Wm. Pierce)

Madison was very pleased at the progress being made until June 17 when Paterson of New Jersey, a principal spokesman for the small states, declared in strong terms that the delegates had only been authorized to suggest amendments to the existing Articles and asked for time to prepare and present what he called a "purely federal plan, and counter-distinguished from the reported plan."

When presented, only amendments to the old Articles were suggested, but the plan did recommend that Congress be given the power to levy taxes and regulate commerce, that the federal government be made Supreme, but it retained in Madison's view the worst defect of the old Articles, that each state would be entitled to one vote in the legislature.

Time was taken to study the proposal. Some small states asserted the only alternative to the New Jersey plan was to redefine all state boundaries so all states would have equal population.

On June 18, Hamilton, who for good reason was present only infrequently, held forth for five hours on his personal plan which reduced states to the status of counties and provided lifetime tenure for the executive and members of the Senate. No one seemed interested. Hamilton, frustrated, went back to his New York law practice and his plan was never mentioned again.

The next day, June 19, Paterson's New Jersey plan was rejected by a vote of 7 to 3. The convention returned to the consideration of Madison's resolutions, and again great progress was made.

(To be concluded next month.)

James Madison and the Constitutional Convention

Editor's Note: This is part three of this article, parts one and two having been published in the September and October issues of Res Gestae.

By Thomas M. Scanlon

After the delegates to the Convention on June 19 had rejected the New Jersey Plan suggested by Paterson, there followed a full month in which the most intense heat of Philadelphia's hottest summer was matched by the most intense heat, bad temper and despair inside Convention Hall as the hot and tiring delegates debated that most bitterly contested issue of representation in the Congress.

Small states had demanded, and had been given, an equal vote in the Articles of Confederation and they were not about to give up what they had come to believe was only just and fair in any new constitution. After many days of acrimonious argument, they tentatively and most reluctantly agreed to proportional representation in the House, but having made that concession they became absolutely close-minded about the Senate.

It was purely a struggle for power. Protagonists on both sides had very much in mind that the power they were debating would very soon be used to determine the disposition of the vast riches of the western lands. The small states were determined to deny the large states and their speculators a monopoly for which majority power in Congress would be essential.

Finally their position came to the simple statement: small states will have equal vote in the Senate or there will be no Constitution.

One can imagine the state of fatigue and despair that must have been the result of those many long weeks of intemperate emotional debate by mostly overweight men in wigs and formal hot clothes, packed into a relatively small room in one of the hottest summers Philadelphia ever experienced, all without relief from even a breeze since all windows and doors were closed for security.

Many delegates became so pessimistic they were thinking of giving up and going home. As the convention reached its low point, Luther Martin, the one delegate who drank too much, furnished additional despair or comic relief, by choosing this particular time to force them to listen to a mostly irrelevant and aimless oration for two full days on June 27 and 28.

Trying to be helpful, the benevolent Ben Franklin, with calming voice, counseled that the delegates "should implore the assistance of heaven" by inviting "clergy of this city to open each session with prayer."

To this pious suggestion one dispirited delegate, disgruntled because his state probably was not paying his expenses, cried out that he didn't know how the good ministers could be paid for their services since the delegates themselves were not even being paid.

One whose pessimism had not dampened his wit wisecracked that although they were desperate, he didn't believe they had yet reached the point of seeking foreign aid.

Until then the convention had resisted using the stratagem so frequently employed when an impasse is reached, of appointing a committee to recommend a resolution, but this time they were forced to do so. As would be expected, the delegates appointed to reach a decision which the collective convention could not achieve were hand-picked, consist-

ing of representatives of adamant small staters, some flexible large staters and a good allowance of middle-of-the-road compromisers.

The committee promptly produced what is known as "the great compromise": equal representation by state in the upper house, proportionate representation in the lower house with a provision, obviously calculated to mitigate the bitterness of the pill for the larger states, that the lower house would have "exclusive privilege of originating money bills." The compromise adopted on a 5-4 vote, with one abstention, was completely unsatisfactory to the diehards of both camps.

The convention was then at such low ebb that when Randolph suggested they adjourn so "that large states might consider the steps proper to be taken" it evoked statements from small state delegates that they firmly believed a compromise was impossible and the shocking suggestion that Randolph should make his motion to adjourn *sine die*, and if he did they would join him.

The threat of complete failure seemed to jolt the rigidity from the extremists on both sides because they then quietly agreed to adjourn but only to the next morning. After a time for reflection, the compromise was accepted and the next nine working days, July 17 through July 25, were the least argumentative of the summer.

Having been made to feel secure in their equal representation in the upper house, the small states became most cooperative. Agreement was easily reached on: extending the legislative power to Congress, the jurisdiction of the federal courts, strengthening the national government's guarantee of a republican form of government to the states, but to Madison's disappointment, eliminating Congress's power to declare state laws unconstitutional, and to Paterson's satisfaction substituting the supremacy clause from his New Jersey plan. Madison's recommendation, based upon his Virginia experience, of an executive council of revision was negated in favor of a single executive with veto power.

These main provisions and dozens of others were given to a drafting committee. Their draft submitted on August 6th is generally believed to have been mostly the work of Randolph of Virginia and Wilson of Pennsylvania.

During the debate on representation, Madison had argued that the real dispute did not lie between the small and large states, but rather between the north and the south, all of course arising out of slavery issues. That dispute, which some historians regard as the second most difficult of the convention, was still to be finally resolved in August.

While Madison and many other leaders found slavery utterly repugnant to the principles in the Declaration and the proposed Constitution, the southern states stated bluntly that the price of Union would be too high if it meant any threat to slavery or the slave traffic.

Delegates were so weary, hot and anxious to get home after the many weeks of the exhausting argument with respect to the representation issue that they had no taste for a comparable confrontation with respect to slavery. So again they resorted to the stratagem of a committee to recommend a compromise.

The southern states used the strategy of making their original claims so extremely demanding that they could be confident that any compromise would give them more than they were willing to accept or possibly deserved. They were correct.

The committee gave the south provisions that in determining proportionate representation a slave would be counted as 3/5ths of a person, although the south asserted slaves were not persons, while those same slaves who the south insisted were property would not be counted as property in any property tax, that there would be no tax on any article exported by any state (taking care of cotton and tobacco), no tax on importing slaves at a rate exceeding the average rate of duties on other imports, and, perhaps, most important of all, no antislavery laws could be enacted prior to the year 1808. Exhausted, hot and tired, the delegates adopted the compromise.

In late August a committee on postponed matters brought forth a scheme for the election, duties and term of office of the president, which made the president much more powerful than ever suggested before, which was adopted. As one delegate frankly stated, and others undoubtedly thought, this was only because the delegates were all thinking that the man who would hold that power would be Washington.

It is interesting, in light of recent events, that up until just two weeks before the Constitution was adopted the approved wording gave the Senate, not the president, the exclusive authority to appoint all federal judges, including the Supreme Court, appoint all ambassadors and to make all treaties.

Many small issues being resolved, the work was turned over to a committee on style on Sept. 8 which in just four days delivered the Constitution which was then approved. While Madison was one of the five, and undoubtedly participated in accomplishing this minor miracle, he later

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continued

modestly stated, "The style and arrangements • • • fairly belongs to the pen of Mr. Morris."

As the other 38 delegates were signing the document Dr. Franklin, looking toward the President's chair on the back of which there was a design in which the sun appeared to be at the horizon, commented that throughout history painters had found it difficult to differentiate in their art a rising sun from a setting sun, that during the vicissitudes of his hopes and fears during the long debates he had often looked at the President's chair without himself being able to tell whether the sun was rising or was setting. But now that the Constitution has been agreed upon "I have the happiness to know that it is indeed a rising and not a setting sun."

No position taken by Madison more clearly reflected his commitment to democratic principles than his insistence that since it was the people who were consenting to be governed it was the people, and only the people, who had the power to ratify the Constitution. The convention agreed.

While a majority of the delegates hurried home to attend to their private affairs, the steadfast Mr. Madison hurried to New York to help keep Congress from vetoing that which he and the other framers had labored so hard to achieve.

Having been satisfied as to that, he still remained in New York where he labored under pressure of time to produce 29 of the famous Federalist Papers, which have since been recognized not only as the bible for interpreting the Constitution but also as some of the most sagacious political statements man has produced.

Starting immediately after the final days of convention, Madison's Virginia friends had been pleading desperately for him to come back to Virginia because only he was a match for Patrick Henry, Virginia's most powerful politician and its most eloquent debater, who had been mounting a strong campaign to prevent ratification by Virginia.

Madison's friends feared, and Madison agreed, that regardless of how many other states ratified if Virginia, the country's largest state, did not ratify the new government could not succeed. Although already completely exhausted, he returned to Virginia where it was a repeat of earlier contests between Henry's political power and eloquence and Madison's logic and political sagacity.

Although at times so exhausted the reporter complained that he could not hear him and even though George Mason and other able influential Virginians joined Henry in the debate, Madison and his supporters ultimately won Virginia's ratification on a vote of 89 to 79.

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Unknown in Virginia, New Hampshire had been the ninth state to ratify a few days earlier. But Virginia still had been the linch pin. Immediately after its ratification, New York, and later North Carolina and ultimately Rhode Island, fell in line. The patriots had accomplished another large and, to some the final, step in forming a government by consent of the governed.

But Madison still did not diminish his intense activity. He felt obligated to see that the new government was properly organized and the promised bill of rights amendments were adopted. On one of his many visits to Mount Vernon he wrote Washington's first inaugural speech. He consulted and helped Washington with respect to all the appointments, which of course included every office and employee of the executive branch of the government.

When the vindictive Patrick Henry used his political power to prevent Madison from becoming one of Virginia's first senators, Madison returned to his home district and campaigned against Monroe to become its first representative in the House. Four days after the inauguration he had started drafting the Bill of Rights, probably based on George Mason's draft for Virginia, and one of his first actions as the leader in the House was to engineer its enactment.

Because he was in the first Congress to give leadership and stability, it has been said "what Washington did for the presidency, what Marshall did for the Supreme Court Madison did for the Congress." It was about this time that Washington appraised Madison as "the best informed, wisest and most effective political leader of the country."

Author's Note: The writer never had the hope that the reader at the end of this article would believe he now had the solution to the intriguing mystery posited at the beginning. The real hope was that because of that very fact some readers would be encouraged during this celebratory year of the Great Convention to reinvestigate for themselves the rich history of our revered masterpiece — The Constitution of the United States.

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